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TAGS: PARM, CCD, US

SUBJECT: CCD: ENMOD TREATY TABLING STATEMENT

FOLLOWING IS TEXT OF STATEMENT FOR USE BY US REPRESENTATIVE IN TABLING DRAFT ENVIRONMENTAL MODIFICATION TREATY AT CCD. BEGIN TEXT

1. THE UNITED STATES TODAY IS TABLING IN THE CONFERENCE OF THE COMMITTEE ON DISARMAMENT A DRAFT CONVENTION ON THE PRO-LIMITED OFFICIAL USE
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HIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES. (CCD-). A PARALLEL DRAFT IS BEING TABLED BY THE DELEGATION OF THE SOVIET UNION (CCD-). WE ARE PRESENTING THE DRAFT CONVENTION AS A

BASIS FOR CONSIDERATION BY ALL GOVERNMENTS AND FOR NEGOTIATION IN THE CCD.

2. PREVIOUS DISCUSSIONS IN THE UNITED NATIONS GENERAL ASSEMBLY, IN THE SERIES OF BILATERAL MEETINGS BETWEEN REPRESENTATIVES OF THE SOVIET UNION AND MY GOVERNMENT, AND HERE IN THIS COMMITTEE, HAVE INDICATED CLEARLY THE SERIOUS CONCERN FELT BY MANY STATES, INCLUDING MY OWN, OVER THE POTENTIAL CATASTROPHIC DANGERS TO MANKIND IF ENVIRONMENTAL MODIFICATION TECHNIQUES WERE TO BE DEVELOPED AS WEAPONS OF WAR. COMMENTS MADE BY THE EXPERTS AT OUR RECENT INFORMAL MEETINGS

ON THIS SUBJECT UNDERLINE THE NEED TO DEVELOP EFFECTIVE MEASURES TO CONTROL MILITARY OR ANY OTHER HOSTILE USE OF THOSE TECHNIQUES HAVING MAJOR ADVERSE EFFECTS ON THE ENVIRONMENT BEFORE SUCH TECHNIQUES CAN BE DEVELOPED AND PERFECTED.

3. IN THE PAST FEW WEEKS, VARIOUS DELEGATIONS HAVE PROVIDED DATA ON THE EXISTING STATE OF THE ART IN ENVIRONMENTAL MODIFICATION AND HAVE HYPOTHESIZED ABOUT THE NATURE OF POSSIBLE FUTURE TECHNIQUES. FROM THESE DATA WE CAN SEE THAT, WHILE ENVIRONMENTAL WARFARE IS NOT PRACTICAL ON A MILITARILY SIGNIFICANT SCALE AT PRESENT, UNDERSTANDING AND TECHNOLOGY IN THE FIELD ARE INCREASING. SIGNIFICANT ADVANCES MAY BE POSSIBLE IN THE COURSE OF TIME. SOME SCIENTISTS BELIEVE, FOR EXAMPLE, THAT METHODS MIGHT BE DEVELOPED FOR INTENTIONALLY AND SELECTIVELY EFFECTING HARMFUL CHANGES IN THE COMPOSITION OF THE EARTH'S ATMOSPHERE OR IN ITS CLIMATE, OR CAUSING FLOODS OR DROUGHT. AN AMBITIOUS, INCAUTIOUS, OR DESPERATE STATE MIGHT THEN RESORT TO THE USE OF SUCH TECHNIQUES. AT PRESENT THERE IS AN OPPORTUNITY TO PROHIBIT SUCH USE. WE SHOULD SEIZE THAT OPPORTUNITY.

4. THE UNITED STATES DELEGATION BELIEVES THAT DEVELOPMENT OF A GENERALLY ACCEPTED CONVENTION ALONG THE LINES OF THE LIMITED OFFICIAL USE
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DRAFT WE ARE TABLING TODAY WOULD BEST ALLOW US TO ACCOMPLISH THE OBJECTIVES OF THE GENERAL ASSEMBLY, THE CCD, AND OF THE US-USSR JOINT STATEMENT OF JULY 3, 1974. AT THE SAME TIME IT WOULD NOT DISCOURAGE THE DEVELOPMENT OF PEACEFUL AND BENEFICIAL ENVIRONMENTAL MODIFICATION TECHNIQUES.

5. THE FORMULATION OF A CONVENTION IMPOSING RESTRAINTS ON ENVIRONMENTAL WARFARE PRESENTED DIFFICULT AND COMPLEX PROBLEMS OF DEFINITION, SINCE THE DEVELOPMENT OF ENVIRONMENTAL MODIFICATION TECHNIQUES IS STILL AT AN EARLY STAGE AND A TREATY WILL NECESSARILY HAVE TO DEAL WITH FUTURE DISCOVERIES. THIS DRAFT SEEKS TO RESOLVE SUCH DEFINITION-

AL PROBLEMS.

6. THE DRAFT CONVENTION WOULD PROHIBIT MILITARY OR ANY OTHER HOSTILE USE, AS A MEANS OF DESTRUCTION, DAMAGE, OR INJURY, OF ENVIRONMENTAL MODIFICATION TECHNIQUES HAVING WIDESPREAD, LONG-LASTING, OR SEVERE EFFECTS. THE PROHIBITION AGAINST "MILITARY OR ANY OTHER HOSTILE USE" COVERS BOTH THE HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES IN ARMED CONFLICT OR TO INITIATE SUCH CONFLICT, AND THE USE OF SUCH TECHNIQUES FOR THE SPECIFIC PURPOSE OF CAUSING DESTRUCTION, DAMAGE, OR INJURY, EVEN WHEN NO OTHER WEAPONS ARE USED OR THERE IS NO OTHER MILITARY OPERATION

TAKING PLACE. WE BELIEVE THIS DRAFT PROVIDES A BASIS FOR DISTINGUISHING BETWEEN THE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES AS WEAPONS, WHICH IS COVERED BY THE PROHIBITION, AND THE ENVIRONMENTAL IMPACT OF OTHER WEAPONS, WHICH IS NOT COVERED.

7. THE DRAFT DEALS WITH ENVIRONMENTAL MODIFICATION TECHNIQUES WHOSE USE WOULD HAVE WIDESPREAD, LONG-LASTING OR SEVERE EFFECTS. THIS IS IN ORDER TO FOCUS ON THE MOST IMPORTANT ASPECTS OF THE PROBLEM--POTENTIAL APPLICATIONS OF SUCH TECHNIQUES AS WEAPONS WHICH COULD CAUSE THE GRAVEST HARM TO MAN AND HIS ENVIRONMENT. AN IMPORTANT CONSIDERATION IN THIS REGARD IS THAT IN ANY LIMITATION ON THE HOSTILE USES OF ENVIRONMENTAL MODIFICATION TECHNIQUES, THE ATTAINABLE DEGREE OF VERIFICATION OF COMPLIANCE WITH TREATY CONSTRAINTS OBVIOUSLY IS RELATED TO THE SCALE OF LIMITED OFFICIAL USE
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ACTIVITY. ACCORDINGLY, THE POSSIBILITIES FOR VERIFICATION DECREASE AS THE SIZE, DURATION, OR SEVERITY OF THE ACTIVITY DIMINISHES.

8. INCLUDED IN THE PROPOSED CONVENTION IS AN ILLUSTRATIVE LIST OF EFFECTS OF ENVIRONMENTAL MODIFICATION TECHNIQUES SUBJECT TO PROHIBITION. THE LIST INCLUDES EARTHQUAKES AND TSUNAMIS; AN UPSET IN THE ECOLOGICAL BALANCE OF A REGION; OR CHANGES IN WEATHER PATTERNS, THE STATE OF THE OZONE LAYER, CLIMATE PATTERNS OR OCEAN CURRENTS.

9. THE DRAFT DOES NOT INCLUDE A BAN ON MILITARY RESEARCH OR DEVELOPMENT. SUCH A BAN WOULD BE INEFFECTIVE IN VIEW OF THE DUAL APPLICABILITY TO CIVILIAN AND MILITARY ENDS OF MUCH RESEARCH AND DEVELOPMENT IN THIS FIELD, AND THE DIFFICULTIES WHICH COULD BE ENCOUNTERED IN DETERMINING WHETHER ALL PARTIES WERE OBSERVING THE PROHIBITION.

10. MR. CHAIRMAN, LET ME NOW COMMENT ON SPECIFIC PORTIONS OF THE DRAFT CONVENTION ITSELF. THE PREAMBLE BRIEFLY EX-

PLAINS THE PROBLEMS THE CONVENTION IS DESIGNED TO ADDRESS AND PROVIDES A FRAMEWORK FOR THE SPECIFIC OBLIGATIONS WHICH FOLLOW. THE SECOND PARAGRAPH EXPRESSES THE POINT THAT ADVANCES OF SCIENCE AND TECHNOLOGY ARE GIVING RISE TO THE POSSIBILITY THAT DELIBERATE ACTIONS CAN RELEASE SIGNIFICANT NATURAL FORCES OR SIGNIFICANTLY ALTER THE NATURAL STATE, THUS GIVING MAN THE POTENTIAL OF MODIFYING THE ENVIRONMENT TO HIS OWN ENDS. THE THIRD PARAGRAPH HIGHLIGHTS THE ESSENTIAL DIFFERENCE BETWEEN THE GREAT HARM WHICH MILITARY USES OF ENVIRONMENTAL MODIFICATION TECHNIQUES MIGHT PRODUCE AND POSSIBLE BENEFITS WHICH PEACEFUL USES MIGHT BRING. THE FOURTH PARAGRAPH REFLECTS THE COMMITMENT TO LIMIT THE POTENTIAL DANGER TO MANKIND FROM SUCH MILITARY

ACTIVITIES. THE FIFTH PLACES THE AGREEMENT IN THE CONTEXT OF THE GOALS AND OBJECTIVES OF THE INTERNATIONAL COMMUNITY.

11. ARTICLES I AND II TAKEN TOGETHER FORM THE OPERATIVE SUBSTANCE OF THE CONVENTION. THEY ARE CLOSELY INTERDEPENDENT. ARTICLE I CONTAINS THE BASIC OBLIGATION NOT TO ENGAGE IN MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES. ARTICLE II PROVIDES A DEFINITION OF ENVIRONMENTAL MODIFICATION TECHNIQUES. IT REFERS TO TECHNIQUES DESIGNED TO MANIPULATE DELIBERATELY THE NATURAL PROCESSES OF THE EARTH, ITS OCEANS AND ATMOSPHERE, OR OF OUTER SPACE. IT IS, THEREFORE, COMPREHENSIVE IN ITS COVERAGE OF THE NATURAL ENVIRONMENT. ARTICLE II ALSO PROVIDES AN ILLUSTRATIVE LIST OF EFFECTS WHICH SERVES TO DEFINE QUALITATIVELY THE TYPE OF PHENOMENA TO WHICH THE PROHIBITION APPLIES.

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TAL MODIFICATION TECHNIQUES HAVING WIDESPREAD, LONG-LASTING OR SEVERE EFFECTS AS THE MEANS OF DESTRUCTION, DAMAGE, OR INJURY TO ANOTHER STATE PARTY. IT ALSO PROVIDES FOR AN OBLIGATION NOT TO ASSIST, ENCOURAGE, OR INDUCE ANY OTHER STATE, GROUP OF STATES, OR INTERNATIONAL ORGANIZATION TO ENGAGE IN SUCH USE.

12. ARTICLE II PROVIDES A DEFINITION OF ENVIRONMENTAL MODIFICATION TECHNIQUES. IT REFERS TO TECHNIQUES DESIGNED TO MANIPULATE DELIBERATELY THE NATURAL PROCESSES OF THE EARTH, ITS OCEANS AND ATMOSPHERE, OR OF OUTER SPACE. IT IS, THEREFORE, COMPREHENSIVE IN ITS COVERAGE OF THE NATURAL ENVIRONMENT. ARTICLE II ALSO PROVIDES AN ILLUSTRATIVE LIST OF EFFECTS WHICH SERVES TO DEFINE QUALITATIVELY THE TYPE OF PHENOMENA TO WHICH THE PROHIBITION APPLIES.

13. ARTICLE III MAKES IT CLEAR THAT THE TREATY DOES NOT APPLY TO THE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES FOR PEACEFUL PURPOSES, NOR DOES IT STAND IN THE WAY OF INTERNATIONAL COOPERATION IN THIS REGARD.

14. ARTICLE IV PROVIDES FOR THE LEGAL IMPLEMENTATION OF THE CONVENTION WITHIN INDIVIDUAL STATES PARTY, WHEREVER NEEDED FOR DOMESTIC REASONS.

15. ARTICLE V DEALS WITH PROBLEMS THAT MIGHT ARISE IN APPLYING THE CONVENTION'S PROVISIONS. THE ARTICLE SETS FORTH THE BASIC UNDERTAKING FOR CONSULTATION AND COOPERATION.

TION AMONG THE PARTIES AND A PROCEDURE FOR SUBMITTING COMPLAINTS TO THE UN SECURITY COUNCIL IN THE EVENT A PARTY BELIEVES THAT THERE HAS BEEN A BREACH OF OBLIGATION.

16. ARTICLES VI THROUGH IX SET OUT PROVISIONS COVERING SUCH MATTERS AS AMENDMENTS, DURATION, AND ENTRY INTO FORCE. THE DRAFT CONTAINS BLANKS IN ARTICLE VI, VIII, AND IX WHERE THE CONVENTION'S DEPOSITARY OR DEPOSITARIES REMAIN TO BE IDENTIFIED. ARTICLE VI ALSO LEAVES BLANK THE NUMBER OF INSTRUMENTS OF ACCEPTANCE OF AN AMENDMENT REQUIRED FOR ITS ENTRY INTO FORCE FOR THE GOVERNMENTS THAT HAVE ACCEPTED IT. PARAGRAPH 3 OF ARTICLE VIII ALSO LEAVES OPEN THE NUMBER OF RATIFICATIONS REQUIRED TO BRING THE CONVENTION INTO FORCE.
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ARTICLE VII PROVIDES THAT THE CONVENTION SHALL BE OF UNLIMITED DURATION.

17. MR. CHAIRMAN, IN TABLING THIS DRAFT CONVENTION ON THE PROHIBITION OF MILITARY OR ANY OTHER HOSTILE USE OF ENVIRONMENTAL MODIFICATION TECHNIQUES, THE UNITED STATES BELIEVES THAT IT CAN SERVE AS THE BASIS FOR THE CCD'S FURTHER CONSIDERATION OF THE SUBJECT. WE LOOK FORWARD TO HEARING VIEWS OF OTHER DELEGATIONS ON THE PROPOSAL, AND HOPE THAT OUR DELIBERATIONS WILL LEAD TO EARLY AGREEMENT.
END TEXT. KISSINGER

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